IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

REVA JANE YOUNG,)
Plaintiff,)
v.) Case No. 22-06057-CV-SJ-MDH-SSA
KILOLO KIJAKAZI,)
Acting Commissioner of Social Security,)
Defendant.)

ORDER

Before the Court is Plaintiff Reva Jane Young's ("Plaintiff's") Application for Attorney Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Doc. 17). Plaintiff's Motion seeks \$6,430.61, representing 26.9 hours of attorney work at \$238.27 per hour in 2022 and \$247.08 in 2023. Defendant Kilolo Kijakazi ("Defendant") does not object. (Doc. 19). The EAJA creates a right to attorney fees in civil actions against the government. The EAJA statute provides legal fees may be allowed only for an adversary action, such as a SSA claim in district court. 42 U.S.C. § 406(b)(1); *Clifton v. Heckler*, 755 F.2d 1138 (5th Cir. 1985).

In determining whether the attorney fees requested by a qualified Plaintiff are "reasonable," Section 2412(d)(2)(A) of EAJA specifies a statutory cap of \$125.00 per hour, which should be adjusted for increases in the cost of living. The Eighth Circuit has held that the Consumer Price Index constitutes appropriate proof of the cost of living increase since the original enactment of EAJA, and justifies an award higher than the statutory rate of \$75. Stanfield v. Apfel, 985 F. Supp. 927, 930-931 (E.D. Mo. 1997) (decision approving as "reasonable" in 1997 an hourly rate of \$128.36 per hour) citing Johnson v. Sullivan, 919 F.2d 503, 504 (8th Cir. 1990). The statutory

hourly rate under the EAJA increased from \$75 to \$125 per hour for cases commenced on or after

March 26, 1996.

Further, in determining the reasonableness of the hours claimed in Plaintiff's request, the

Court must rely upon its own knowledge, experience, and expertise of the time required

completing similar activities by lawyers of reasonably comparable skill, experience, and

reputation. Shepherd v. Apfel, 981 F. Supp. 1188, 1192 (S.D. Iowa 1997) citing Gilbert v. City of

Little Rock, Arkansas, 867 F.2d 1063, 1066 (8th Cir. 1989). Defendant has no objection to

Plaintiff's requests for attorney's fees in the amount of \$6,430.61, representing 26.9 hours of

attorney work.

Therefore, Plaintiff's Motion is **GRANTED**, and it is **ORDERED** that Plaintiff is awarded

\$6,430.61 to be paid by the Social Security Administration. Plaintiff has signed an Assignment of

EAJA Fees in this case. (Doc. 17-2). The award is to be made payable to Attorney Roger M,

Driskill. The Court acknowledges that, in accordance with Astrue v. Ratliff, 560 U.S. 586 (2010),

the EAJA fee is payable to Plaintiff as the litigant and may be subject to offset to satisfy a pre-

existing debt that the litigant owes to the United States.

IT IS SO ORDERED.

Dated: November 1, 2023

/s/ Douglas Harpool

DOUGLAS HARPOOL

United States District Judge

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